

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DANIEL JEAN-LOUIS,	)	
Petitioner,	)	
	)	
v.	)	C.A. No. 05-11274-DPW
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

PROCEDURAL ORDER

On June 16, 2005, petitioner Daniel Jean-Louis, an inmate now incarcerated at the Passaic County Jail in New Jersey, submitted for filing his self-prepared motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence. Petitioner's motion is accompanied by an Application to Proceed In Forma Pauperis.

Although petitioner has submitted an application to proceed in forma pauperis, there is no fee to file a § 2255 motion. See Rules Governing Section 2255 Proceedings for the United States Courts, Rule 3, Advisory Committee Notes 1976 Adoption ("There is no filing fee required of a movant under these rules."); Anderson v. Singletary, 111 F.3d 801, 806 (11<sup>th</sup> Cir. 1997). See also United States v. Simmonds, 111 F.3d 737, 741-44 (10<sup>th</sup> Cir. 1997) ("[W]e hold neither habeas corpus or 28 U.S.C. § 2255 proceeding, nor appeals of those proceedings are 'civil actions' for purposes of 28 U.S.C. § 1915."). Consequently, Jean-Louis' motion is denied as moot.

ORDER

Accordingly, it is hereby ORDERED that petitioner's Application to Proceed In Forma Pauperis (Docket No. 1) is DENIED as MOOT.

SO ORDERED.

Dated at Boston, Massachusetts, this 20th day of June, 2005.

/s/ Douglas P. Woodlock  
DOUGLAS P. WOODLOCK  
UNITED STATES DISTRICT JUDGE